Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
October Ter 1978

NO. 78-926

DONALD L. JACKSON
Plaintiff
vs.
UNITED STATES OF AMERICA
Defendant

PETITION FOR RE-HEARING FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

DONALD L. JACKSON
P. O. Box 494
Buffalo, New York 14205

TO: SOLICITOR GENERAL
Department of Justice
Washington, D. C. 20530

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OCTOBER TERM, 1978

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DONALD L. JACKSON

Plaintiff

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UNITED STATES OF AMERICA

Defendant

PETITION FOR RE-HEARING FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

To the Honorable, the Chief Justice and Associate Justice of the Supreme Court of the United States:

The Plaintiff prays the Court for a Writ of Certiorari directed to the United States Court of Appeals for the Second Circuit, to the end that this Court may review a decision which that Court has rendered in a case involving the parties

above-named. And the petitioner respectfully shows to this Court:

THE OPINIONS AND ORDERS OF THE COURTS BELOW

This case came to the Court of Appeals upon an appeal from the United States District Court for the Western District of New York.

The Opinion of the Court of Appeals and the Order Denying Rehearing En Banc are printed in the Appendix to original Petition. The Opimion and Order of the District Court are also printed in the Appendix.

JURISDICTION OF THIS COURT

The opinion of the Court of Appeals was rendered on Au gust 18, 1978, Rehearing En Ban was denied November 13, 1978.

Jurisdiction to reveiw the Judgment of the Court of Appeals is conferred on this Court by the provision of 28 U. S. C. 1254(1).

STATEMENT OF THE QUESTIONS PRESENTED FOR REVIEW

1. April 5, 1976, while the Federal Election Commission, did not have 4 Commissioners who were appointed by the U. S. President and approved by the Senate, Transferred Plaintiffs file with a letter signed by the General Counsel.

The letter transferring Plaintiff's file is printed on page 17a of the Appendix.

2. All of the Exhibits 1-8, came from the illegally transferred file.

3. Both Counts of the indictment are based on Exhibit 5 and Exhibit 7, both from the illegally transferred file.

4. Plaintiff was denied his Constitutional Right to Represent himself in the District Court. Plaintiff was forced to hire Attorney, by the use of Mental Competency examination. After I hired the first lawyer Mr. Slominski, the Judge reversed himself. When I was about to discharge my attorney, another Motion to compel Plaintiff to secure legal counsel, and to take Mental Examination, I then was forced to hire Atty. Robinson, who died of a heart attack within a week, Atty Purks, taken over Atty. Robinson cases, and I was forced to take him even though I did not want him. Most of the papers drawn up were drawn up by myself, however all of them were ignored by the Court because I was not represented by Counsel. PLAINTIFF, WAS NOT ALLOWED TO ASK ANY QUESTIONS, IN ANY SHAPE FORM OR FASHION, INFACT BOTH ATTY, WERE UNDER CONTROL OF THE GOVERNMENT, WHO INSTRUCTED THEM WHAT TO DO AND NOT TO DO. THE GOVERNMENT CONTROLLED THE PROSECUTION

AND THE TYPE OF DEFENSE THE PLAINTIFF WAS TO RECEIVE.

5. Insufficient Evidence or No evidence presented.

NO EVIDENCE WAS PRESENTED IN ANY SHAPE FORM OR FASHION, AS TO: COUNT I WILFULLY AND KNOWINGLY .

NO EVIDENCE WAS PRESENTED IN ANY SHAPE FORM OR FASHION, THAT DONATIONS DID NOT REACH THE HAND OR TO THE OFFICE OF PLAINTIFF IN THE AMOUNT OF $110,931.00 AS TO THE $111,640.00 LISTED FOR EXPENDITURES. THE GOVERNMENT OWN WITNESSES UP-HELD THEM. JENNIE SPIDELL, MR. COPY, THE POST OFFICE, ULBRICH OTTO CO.

AS TO COUNT II OF THE INDICTMENT.

NO EVIDENCE IN ANY SHAPE FORM OR FASHION AS TO KNOWINGLY AND WILFULLY.

NO EVIDENCE WAS PRESENTED THAT DONATIONS HAD NOT BEEN RECEIVED. AND NO EVIDENCE WAS PRESENTED THAT ANY DONATION EXCEEDED $250.

6. The affidavits of illegal acts committed by the Government were ignored by the Court.

7. Plaintiff was denied a Speedy Trial.

8. The indictment was based on the use of False testimony from two or more F. B. I., agents.

9. The Grand Jury was mislead by U. S. Attorney,

10. Dr. Schutketker, a witness of the Court, was tampered with by the Government.

STATEMENT OF THE CASE

Defendant was a declared candidate for the Office of President of United States. United States Attorney, announced through the Press, daily, along with officials of the Federal Election Commission, attacked me daily through the National News Media. That forced me to withdraw from the Presidential race. This attack violated the Federal Election Act.

The Federal Election Commission had been declared to be Un-Constitutional by your Court Buckley v. Valeo.

The Federal Election Commission did not have authority to transfer Plaintiff File, the letter listed in Appendix 17a of the Original Brief filed is not even signed by any Commissioner. That both counts of the Indictment are based on Exhibits from this file.

Plaintiff was denied the right to represent himself, and to put on his defense.

Plaintiff was denied the Right to READ THE PROBATION REPORT.

EVERY RIGHT GUARANTEED TO A DEFENDANT IN THE DISTRICT COURT, WAS DENIED PLAINTIFF.

Plaintiff, is being placed the burden to prove himself innocent,
The Government presented no evidence on the indictment.
The Government read into the record, whereby F. B. I., agents went to various addresses and could not located the listed donor.
The agents would ask the next door neighbor who name was not listed, if they knew the Rev. Donald Jackson, and if they donated to his campaign. This is the entire evidence presented by the Government.

IF A DONOR USES A DIFFERENT NAME OR ADDRESS, SHOULD A CANDIDATE BE CHARGE WITH FRAUD .

The Law requires that ALL DONATIONS AND EXPENDITURES, be recorded and reported.
The law does not require a candidate to travel to the donors address, to ascertain if the donor is using his correct name or address.
The Government did present one of people they contacted Mr. Williams, who was over 70 years old, almost blind, the Government put him on the stand, and asked him how long he lived on Hickory Street, and Mr. Williams replied over 20 years, then he said I do not know the people who live on my street.

Mr. Williams, represents the caliber of people they contacted. There is a $25,000 fine for anyone who uses a different name in making a donation.
The Government did not offer anyone Immunity from prosecution. Therefore when an F. B. I., agent asked a person if they donated, and if the person donated in another name, and they admitted it to the F. B. I., agent, they could have been indicted. The Government was holding a sword over them with one hand, hoping they would produce a No answer so they could bring charges against Plaintiff.

CONCLUSION

FOR THE REASONS STATED HEREIN, AND IN THE ORIGINAL PETITION CERTIORARI SHOULD BE GRANTED IN THIS CASE.
THE CONVICTION SHOULD BE REVERSED AND INDICTMENT DISMISSED, OR THE COURT SHOULD REMANDED TO DISTRICT COURT, FOR A NEW TRIAL.

Respectfully submitted,

Donald L. Jackson

DONALD L. JACKSON
Plaintiff

TO: Solicitor General
Department of Justice
Washington, D. C. 20530

CERTIFICATE OF PROOF OF SERVICE

I DONALD L. JACKSON, PLAINTIFF HEREBY CERTIFIES

THAT THREE COPY OF THE FOREGOING PETITION FOR RE-HEARING FOR A WRIT OF CERTIORARI, WAS SERVED ON THE SOLICITOR GENERAL BY SECURLY WRAPPING THEM WITH FULL POSTAGE PAID, AND DEPOSITING THEM IN THE MAIL. MARCH 3, 1979.

Donald L. Jackson

DONALD L. JACKSON